

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR 11-252 MJP

Plaintiff,

ORDER ON MOTIONS

V.

PATRICK DOOLEY,

Defendant.

The Court, having received and reviewed:

1. Defendant's Motion for Bill of Particulars (Dkt. No. 20), Government's Response (Dkt. No. 28) and Defendant's Reply (Dkt. No. 34)
 2. Defendant's Motion to Compel Election of Counts (Dkt. No. 21), Government's Response (Dkt. No. 33) and Defendant's Reply (Dkt. No. 35)
 3. Defendant's Motion to Sever Counts and for Separate Trials (Dkt. No. 24) and Government's Response (Dkt. No. 32)
 4. Government's Motion in Limine to Exclude Evidence and Argument Related to Victim's Medical History (Dkt. No. 23)

1 5. Government's Consolidated Motions in Limine (Dkt. No. 26) and Defendant's
2 Response (Dkt. No. 29)

3 and all attached declarations and exhibits, makes the following rulings on the motions:

- 4 1. Defendant's motion for a bill of particulars is STRICKEN upon Defendant's
5 request.
- 6 2. Defendant's motion to compel an election of counts is DENIED.
- 7 3. Defendant's motion for severance and for separate trials is DENIED.
- 8 4. The Government's motion to exclude evidence and argument relating to the
9 victim's medical history is GRANTED; the Court will permit testimony limited to
10 the facts that the victim had been diagnosed with ADHD and took medication for
11 that disorder.
- 12 5. The Government's consolidated motion in limine:
- 13 a. To exclude argument regarding ignorance of the law: GRANTED
- 14 b. To exclude argument related to Defendant's good faith: DENIED
- 15 c. To exclude argument concerning environmental harm: GRANTED
- 16 d. To exclude argument concerning the *de minimis* nature of the quantity of
17 pollutants: GRANTED.

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19 The clerk is ordered to provide copies of this order to all counsel.

20 Dated January 23, 2012.

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Marsha J. Pechman
United States District Judge